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FACSIMILE COVER SHEET



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for reply
8/24/10
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RAILROAD RETIREMENT BOARD
BUREAU OF FISCAL OPERATIONS844 RUSH STREET, 5TH FLOOR
CHICAGO, ILL 60611-2092

FAX Number (312) 751-7171

To:

Mr. Troy Brady

From:

Elvita Brown

Phone Number:

Phone Number:

312-751-3370

FAX Number:

202-245-0454

Date:

8-19-2010

Pages following cover sheet:

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Comments:



UNITED STATES OF AMERICA
RAILROAD RETIREMENT BOARD
844 NORTH RUSH STREET
CHICAGO, ILLINOIS 60611-2092

AUG 19 2010

Bureau of Fiscal Operations
Room 506

Mr. Troy Brady
Brookhaven Rail Terminal
FAX: 202-245-0454

In reply refer to: **Brookhaven Rail Terminal (BRT)/eb**

Dear Mr. Brady:

The purpose of this letter is to ask that you provide information regarding services BRT performs so that a determination can be made as to whether BRT will be an employer under the jurisdiction of the Railroad Retirement and Railroad Unemployment Insurance Acts (Acts).

The Railroad Retirement Board is an independent agency in the executive branch of the United States Government which administers the Acts. The Acts provide that a company in common control with a railroad employer, which performs service in connection with the transportation of property by rail, is itself an employer under the Acts. Common control exists if the carrier controls the company, or if both the company and the carrier are controlled either directly or indirectly by some other person or company.

1. Information regarding the corporation:
 - a. The correct corporate name and address.
 - b. The date BRT was incorporated or acquired.
 - c. The name of the owner(s) of BRT.
 - d. The date BRT began operations.
 - e. Provide BRT's Employer Identification Number.
 - f. Is BRT a publicly or privately held corporation?
2. Information regarding BRT employees:
 - a. The name of the Chief Executive Officer.
 - b. The number of current employees and the date from which employees were first compensated.
 - c. What proportion of employees work in positions related to business connected with rail carriers?



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- d. Do BRT employees perform work on property owned by a railroad? If yes, please describe fully.
3. Information regarding BRT's revenues and services:
 - a. Describe the operations in which BRT has been engaged in from the date of incorporation to the present, including any business not connected with the railroad industry
 - b. Describe the amount of business which BRT does with railroad carriers and include the following:
 - 1) Name of rail carrier,
 - 2) percentage of total business time spent doing business with rail carrier,
 - 3) percentage of revenue received from rail carrier, and
 - 4) a detailed description of services provided for the rail carrier.
4. Information regarding BRT's ownership:
 - a. Does any railroad have a financial interest in BRT, either through direct or indirect stock ownership, as a parent corporation or indirect stock ownership through a parent company (brother/sister corporation)?
 - b. Name any individual who owns both a controlling interest in BRT and a controlling interest in any other rail carrier and name the carrier involved.
 - c. Are any BRT officers/directors also officers/directors of a rail carrier? If yes, please provide the names of the officers/directors, the positions held, and the rail carriers involved.
 - d. Explain the relationship that exists between BRT and the railroad industry.
5. Information regarding BRT's assets:
 - a. Describe the nature of equipment and facilities owned.
 - b. Describe the nature of equipment and facilities jointly controlled.
6. Provide information regarding contracts:
 - a. Does BRT now provide service for any rail carrier pursuant to a written agreement? If yes, provide copies of such agreements.
 - b. If BRT is a lessee or lessor of railroad track or equipment, provide copies of the lease.
7. Information regarding BRT's status:
 - a. Has Federal Railroad Administration required BRT to pay user fees?
 - b. Has the Surface Transportation Board made any rulings regarding the status of BRT? If yes, please provide copies of rulings and notices.

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- c. Has the Internal Revenue Service ruled on the applicability of the Railroad Retirement Tax Act to BRT? If yes, please provide details.
8. Please be specific in describing any relationships that exist between BRT and the railroad industry to include service that will be performed for all companies, rail and non-rail.
9. Will employees of BRT perform services for any other rail carriers? Please provide a detailed response.

I ask that you furnish any additional information that will help us to determine what the coverage status of BRT should be under the jurisdiction of the Acts to include copies of annual share holder's reports.

Please direct a signed and dated response to me within 30 days from receipt of this letter. You may FAX your response to the Audit and Compliance Division at (312) 751-7171. Should you have any questions concerning this letter, please contact Ms. Elinita Brown at (312) 751-3370 or myself at (312) 751-4679.

Sincerely,

*Tina Bandy for
Henry A. Rueden*

Henry A. Rueden
Chief, Audit and Compliance Division